



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Senate Bill 273

Senate Amendment 1

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Under current law, a trial court or an appellate court has broad authority to grant relief pending an appeal and may condition that relief upon the filing of an undertaking (bond). Section 808.07 (2), Stats.

Senate Bill 273 provides that during the pendency of an appeal, a trial court or appellate court may not require a bond of all appellants (parties appealing) collectively that exceeds \$100 million. However, notwithstanding the \$100 million limit if an appellee (party not appealing) proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business to avoid payment of a judgment, a court may enter any order necessary to protect the appellee and may require the appellant to post bond in an amount not to exceed the amount of the judgment.

Senate Amendment 1 revises the language imposing the limit on the amount of bond that may be required by specifying that the limit applies during the pendency of an appeal of a judgment in “any” civil action and that the limit applies to bonds required in connection with staying the execution of the judgment during appellate review. The proposal’s exception to the bond limit is unaffected by the amendment.

On October 28, 2003, the Senate Committee on Judiciary, Corrections and Privacy introduced and adopted Senate Amendment 1 and recommended Senate Bill 273, as amended, for passage.

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